

BILL ANALYSIS

Senate Research Center

S.B. 1778
By: Lucio
Jurisprudence
6/13/2001
Enrolled

DIGEST AND PURPOSE

Current law allows county courts to contract with outside vendors for the collection of fines, fees, restitution, and other costs ordered by a court. However, if a vendor collects the money owed to the county, he or she is paid 30 percent of the money collected. S.B. 1778 allows county courts to add a 30 percent increase to any fine, fee, restitution, debt, or cost that is 60 days overdue. This ensures that county courts receive all money owed while also allowing the vendor to receive his or her fees. S.B. 1778 also includes municipal courts and prohibits a 30 percent penalty from being imposed on a person who has been determined indigent or unable to pay all or part of the underlying fine or costs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 103.003, Code of Criminal Procedure, to provide that this article does not limit the authority of a commissioners court to contract with a public or private vendor for the provision of collection services under Article 103.0031.

SECTION 2. Amends Article 103.0031, Code of Criminal Procedure, to authorize the commissioners court of a county or the governing body of a municipality to enter into a contract with a private attorney or a public or private vendor for the provision of collection services for debts and accounts receivable such as fines, fees, restitution, and other debts or costs, other than forfeited bonds, ordered to be paid by a court serving the county or a court serving the municipality, as appropriate. Authorizes a commissioners court or governing body of a municipality that enters into a contract with a private attorney or public or private vendor under this article to authorize the addition of collection fees in the amount of 30 percent on each debt or account receivable that is more than 60 days past due and has been referred to the attorney or vendor for collection. Provides that a defendant is not liable for the collection fees authorized under this section if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs. Provides that if a private attorney or private vendor collects from a person owing costs ordered paid by the court an amount that is less than the total costs owed by the person, including collection costs permitted under the attorney's or vendor's contract with the commissioners court or governing body, the amount of costs collected otherwise required to be sent to the comptroller and the amount permitted to be retained by the county or municipality are reduced by an equal percentage in order to fully compensate the attorney or vendor, not to exceed the percentage specified as allowable collection costs in the attorney's or vendor's contract with the county or municipality.

SECTION 3. Repealer: Article 6701d-28, Revised Statutes.

SECTION 4. Effective date: upon passage or September 1, 2001.